



11-19-99  
Cymari  
X/H/G  
2732

10  
Office of  
Appeals  
12.3.99  
H. Little

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

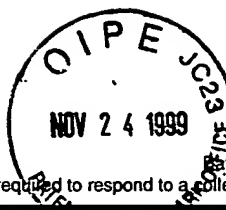
Approved for use through 09/30/00. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 042390.P5326
In re Application of Scott L. Baker		
Application Number 09/061,017	Filed 09/061,017	
For METHOD AND APPARATUS FOR INTERLEAVING A		
Group Art Unit 2732	Examiner D. Vincent	
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, <u>November 2, 1999</u>, rejecting the following claims: <u>1-19</u>.</p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b))</p> <p><input type="checkbox"/> Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$300.00</u></p> <p>A statement of small entity status under 37 CFR 1.27:</p> <p><input type="checkbox"/> is enclosed. <input type="checkbox"/> has already been filed in this application.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to a Deposit Account No. 02-2666. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p>12/02/1999 DVUONG 00000101 09061017</p> <p>01 FC:119 I am the <u>300.00 OP</u></p> <p><input type="checkbox"/> applicant. <input type="checkbox"/> assignee of record of the entire interest. <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____</p> <p><u>[Signature]</u> Signature</p> <p>Gregory D. Caldwell, Reg. No. 39,926 Typed or printed name</p> <p><u>11/19/99</u> Date</p>		

RECEIVED  
DEC - 2 1999  
TECH CENTER 2700  
OIPE/JCWS  
DEC - 1 1999

Please type a plus sign (+) inside this box ➡ +



PTO/SB/17 (2/98)

Approved for use through 09/30/2000. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

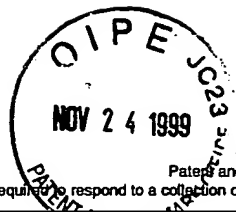
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <p style="font-size: small; margin: 0;">Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R §§ 1.27 and 1.28.</p>		<p style="margin: 0;"><b>Complete if Known</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>09/061,017</td></tr> <tr><td>Filing Date</td><td>April 15, 1998</td></tr> <tr><td>First Named Inventor</td><td>Scott L. Baker</td></tr> <tr><td>Examiner Name</td><td>D. Vincent</td></tr> <tr><td>Group/Art Unit</td><td>2732</td></tr> <tr><td>Attorney Docket Number</td><td>042390.P5326</td></tr> </table>		Application Number	09/061,017	Filing Date	April 15, 1998	First Named Inventor	Scott L. Baker	Examiner Name	D. Vincent	Group/Art Unit	2732	Attorney Docket Number	042390.P5326
Application Number	09/061,017														
Filing Date	April 15, 1998														
First Named Inventor	Scott L. Baker														
Examiner Name	D. Vincent														
Group/Art Unit	2732														
Attorney Docket Number	042390.P5326														
TOTAL AMOUNT OF PAYMENT	(\$)	300.00													

<h3 style="text-align: center; margin: 0;">METHOD OF PAYMENT (check one)</h3> <p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">             Deposit Account Number: 02-2666         </div> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">             Deposit Account Name: Blakely, Sokoloff, Taylor &amp; Zafman LLP         </div> <p><input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. <input checked="" type="checkbox"/> Charge the Issue Fee Set in 37 CFR § 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b)</p> <p>2. <input checked="" type="checkbox"/> Payment Enclosed:  <input checked="" type="checkbox"/> Check    <input type="checkbox"/> Money Order    <input type="checkbox"/> Other         </p> <h3 style="text-align: center; margin: 0;">FEE CALCULATION</h3> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p><b>1. BASIC FILING FEE</b></p> <table style="width:100%; font-size: x-small;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr><td>101</td><td>760</td><td>201</td><td>380</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>310</td><td>206</td><td>155</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>480</td><td>207</td><td>240</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>760</td><td>208</td><td>380</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> </table> <p style="text-align: right;"><b>SUBTOTAL (1)</b> (\$)</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p><b>2. EXTRA CLAIM FEES</b></p> <table style="width:100%; font-size: x-small;"> <tr> <th>Total Claims</th> <th>Independent Claims</th> <th>Multiple Dependent</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <table style="width:100%; font-size: x-small; margin-top: 10px;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td></tr> <tr><td>102</td><td>78</td><td>202</td><td>39</td><td>Independent claims in excess of 3</td></tr> <tr><td>104</td><td>260</td><td>204</td><td>130</td><td>Multiple Dependent claim, if not paid</td></tr> <tr><td>109</td><td>78</td><td>209</td><td>39</td><td>**Reissue independent claims over original patent</td></tr> <tr><td>110</td><td>18</td><td>210</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td></tr> </table> <p style="text-align: right;"><b>SUBTOTAL (2)</b> (\$)</p> </div>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	101	760	201	380	Utility filing fee		106	310	206	155	Design filing fee		107	480	207	240	Plant filing fee		108	760	208	380	Reissue filing fee		114	150	214	75	Provisional filing fee		Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid							Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	103	18	203	9	Claims in excess of 20	102	78	202	39	Independent claims in excess of 3	104	260	204	130	Multiple Dependent claim, if not paid	109	78	209	39	**Reissue independent claims over original patent	110	18	210	9	**Reissue claims in excess of 20 and over original patent	<h3 style="text-align: center; margin: 0;">FEE CALCULATION (continued)</h3> <p><b>3. ADDITIONAL FEE</b></p> <table style="width:100%; font-size: x-small;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for response within first month</td><td></td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for response within second month</td><td></td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for response within third month</td><td></td></tr> <tr><td>118</td><td>1,210</td><td>218</td><td>680</td><td>Extension for response within fourth month</td><td></td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for response within fifth month</td><td></td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td>300.00</td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>260</td><td>221</td><td>130</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>790</td><td>246</td><td>395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149</td><td>790</td><td>249</td><td>395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> </table> <p>Other fee (specify) _____              Other fee (specify) _____</p> <p style="text-align: right;"><b>SUBTOTAL (3)</b> (\$) 300.00</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet.		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for response within first month		116	380	216	190	Extension for response within second month		117	870	217	435	Extension for response within third month		118	1,210	218	680	Extension for response within fourth month		128	1,850	228	925	Extension for response within fifth month		119	300	219	150	Notice of Appeal	300.00	120	300	220	150	Filing a brief in support of an appeal		121	260	221	130	Request for oral hearing		138	1,510	138	1510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,210	241	605	Petition to revive - unintentional		142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))		149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))	
Large Entity		Small Entity		Fee Description			Fee Paid																																																																																																																																																																																																																																																						
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																										
101	760	201	380	Utility filing fee																																																																																																																																																																																																																																																									
106	310	206	155	Design filing fee																																																																																																																																																																																																																																																									
107	480	207	240	Plant filing fee																																																																																																																																																																																																																																																									
108	760	208	380	Reissue filing fee																																																																																																																																																																																																																																																									
114	150	214	75	Provisional filing fee																																																																																																																																																																																																																																																									
Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																																																																																								
Large Entity		Small Entity		Fee Description																																																																																																																																																																																																																																																									
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																										
103	18	203	9	Claims in excess of 20																																																																																																																																																																																																																																																									
102	78	202	39	Independent claims in excess of 3																																																																																																																																																																																																																																																									
104	260	204	130	Multiple Dependent claim, if not paid																																																																																																																																																																																																																																																									
109	78	209	39	**Reissue independent claims over original patent																																																																																																																																																																																																																																																									
110	18	210	9	**Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																																																																									
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																																								
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																																										
105	130	205	65	Surcharge - late filing fee or oath																																																																																																																																																																																																																																																									
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																																																																																									
139	130	139	130	Non-English specification																																																																																																																																																																																																																																																									
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																																																																																									
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																																									
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																																									
115	110	215	55	Extension for response within first month																																																																																																																																																																																																																																																									
116	380	216	190	Extension for response within second month																																																																																																																																																																																																																																																									
117	870	217	435	Extension for response within third month																																																																																																																																																																																																																																																									
118	1,210	218	680	Extension for response within fourth month																																																																																																																																																																																																																																																									
128	1,850	228	925	Extension for response within fifth month																																																																																																																																																																																																																																																									
119	300	219	150	Notice of Appeal	300.00																																																																																																																																																																																																																																																								
120	300	220	150	Filing a brief in support of an appeal																																																																																																																																																																																																																																																									
121	260	221	130	Request for oral hearing																																																																																																																																																																																																																																																									
138	1,510	138	1510	Petition to institute a public use proceeding																																																																																																																																																																																																																																																									
140	110	240	55	Petition to revive - unavoidable																																																																																																																																																																																																																																																									
141	1,210	241	605	Petition to revive - unintentional																																																																																																																																																																																																																																																									
142	1,210	242	605	Utility issue fee (or reissue)																																																																																																																																																																																																																																																									
143	430	243	215	Design issue fee																																																																																																																																																																																																																																																									
144	580	244	290	Plant issue fee																																																																																																																																																																																																																																																									
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																																																																																									
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																																																																																									
126	240	126	240	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																									
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																									
146	790	246	395	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																																																																																									
149	790	249	395	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																									

<b>SUBMITTED BY</b>				<b>Complete (if applicable)</b>	
Typed or Printed Name	Gregory D. Caldwell, Reg. No. 39,926			Reg. Number	
Signature				Date	11/19/99
				Deposit Account User ID	02-2666

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



PTO/SB/21 (12/97)

Approved for use through 9/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/061,017	
	Filing Date	April 15, 1998	
	First Named Inventor	Scott L. Baker	
	Group Art Unit	2732	
	Examiner Name	D. Vincent	
Total Number of Pages in This Submission	5	Attorney Docket Number	042390.P5326

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 80px; margin-top: 10px; text-align: center; vertical-align: middle;">TECH CENTER 2700 DEC - 2 1999</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gregory D. Caldwell, Reg. No. 39,926 BLAKELY, SOKOLOFF TAYLOR & ZAFMAN LLP
Signature	
Date	November 19, 1999

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: <b>November 19, 1999</b>			
Typed or printed name	<b>Heather Adamson</b>		
Signature		Date	<b>11/19/99</b>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.